



NATIVE AMERICAN
RIGHTS FUND

JUSTICE

Tribal Trust Accountings

Presentation for

Secretarial Commission on Indian Trust
Administration and Reform Meeting #3

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Tribal Trust Funds

- @ 2,900 accounts
- @ \$3 billion
- @ 250 tribes



Tribal Trust Funds

- Judgment Funds
- Proceeds of Labor
- Other



Trust Accountings

Fiduciary obligation

- Record keeping
- Transaction activity
- Inception to present
- Dates & amounts



Tribal Trust Accountings 1980s Reports

- 1982 GAO
- 1983 OIG
- 1984 PW
- 1989 AA



Legislation

- 1987 – 1995 Contract prohibition
- 1990 – 2011 Tolling
- 1994 Mandate
- 2002 & 2005 Accrual



Tribal Historical Breach of Trust Cases

- Jan. 2007 - Over 100 (114 tribes)
- June 2012 -70 pending (109 tribes)
(post-SPOA ->50 cases (67 tribes))
- No final accounting decisions



Tribal Historical Trust Accounting Issues

- Standards
- Records availability
- Cost and time



1994 Trust Reform Act

- Daily & annual balances
- Quarterly PSPs
 - optional monthly
- Annual (FY) audits



OST

- Monitor BIA reconciliations
for fair & accurate accountings
- Ensure standardized procedures
- Reconciliation reports a/o 9/1995



SPOA Trust Settlements

- Waivers and releases
- Balance attestation
- PSP acceptance



SPOA Trust Settlements

- Accounting duty acceptance
- Reporting and auditing satisfaction attestation
- Investment return reporting satisfaction attestation



SPOA Trust Settlements

- Future report accuracy
contestation right
- Notice requirement for
future PSP claims
- Dispute resolution & waiver



Tribal Trust Accounting Issues

- Historical accounting claims
- 1994 Act sufficiency
- SPOA provisions



Trust Accounting Issues at Tribal Level

- Trustee's obligations
- Beneficiaries' rights, needs
& resources
- Gov't to gov't fiduciary
relationship



Accountability at Tribal Level

- Independent audits?
- How many, how often
- How funded



Options

- “Time will tell”
- Preventative care
- Joint Federal – Tribal decision